

**SENATE JOURNAL
66TH LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 24, 2019

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Brown. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fitzpatrick excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

4/24/2019

We, your committee on Bills and Journals, having examined the daily journals for the seventy-sixth through the eightieth legislative days, find the same to be correct.

Correctly printed: **SR 27, SR 28, SR 48, SR 57, SR 59, SR 61, HB 385, HJ 32, HJ 39, HJ 40, HJ 48, HJ 49, HJ 50.**

Correctly enrolled: **SB 239, SB 253, SB 266, SB 267, SB 312, SB 320, SB 333, SB 343, SB 358, SB 363, SB 365, SR 44, SR 45, SR 53, SR 55, SR 56, SR 58, SR 60, SR 62, SR 63, SR 64, SR 65, SJ 18, SJ 19.**

Examined by the sponsor and found to be correct: **SB 44, SB 55, SB 60, SB 76, SB 93, SB 132, SB 139, SB 204, SB 216, SB 239, SB 253, SB 266, SB 267, SB 312, SB 320, SB 325, SB 333, SB 343, SB 358, SB 363, SB 365, SJ 18, SJ 19, SR 44, SR 45, SR 53, SR 55, SR 56, SR 58, SR 60, SR 62, SR 63, SR 64, SR 65.**

Signed by the Secretary of the Senate at 7:20 a.m., April 23, 2019: **SB 244, SB 254, SB 256, SB 257, SB 258, SB 262, SB 269, SB 286, SB 289, SB 291, SB 296, SB 300, SB 317, SB 318, SB 319, SB 321, SB 324, SB 326, SB 328, SB 329, SB 335, SB 337, SB 351, SB 353, SB 354, SB 362.**

Signed by the President at 4:45 p.m., April 23, 2019: **SB 244, SB 254, SB 256, SB 257, SB 258, SB 262, SB 269, SB 286, SB 289, SB 291, SB 296, SB 300, SB 317, SB 318, SB 319.**

Signed by the President at 9:30 a.m., April 24, 2019: **SB 321, SB 324, SB 326, SB 328, SB 329, SB 335, SB 337, SB 351, SB 353, SB 354, SB 362.**

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Fielder, Chair):

4/24/2019

SR 27, be adopted.

SR 28, be adopted.

SR 48, be adopted.

JUDICIARY (Regier, Chair):

4/24/2019

SR 57, be adopted.

SR 61, be adopted.

HJ 49, be concurred in.

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Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on Senate Bill 201
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 201** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 201** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

Strike: "SECTIONS 82-4-202 AND"

Insert: "SECTION"

2. Page 1, line 21 through page 3, line 2.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 4, line 2.

Following: "financial"

Strike: "obligations" through "including"

4. Page 4, line 4.

Strike: "A PERMITHOLDER"

Insert: "[An operator"

Following: "OBLIGATIONS"

Insert: "for employee pensions"

5. Page 4, line 6.

Following: "CUSTOMERS."

Insert: "]"

6. Page 8, line 23.

Strike: "2"

Insert: "1"

7. Page 8, line 25.

Strike: "2"

Insert: "1"

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For the Senate:
Ankney, Chair
Cohenour
Richmond

For the House:
White, Vice Chair
Keane
R. Knudsen

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 346**
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 346** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 346** (reference copy -- salmon) be amended as follows:

1. Page 11, line 26.

Strike: "10"

Insert: "5"

2. Page 11, line 27.

Strike: "10"

Insert: "5"

3. Page 29, line 27.

Strike: "10-YEAR"

Insert: "5-year"

For the Senate:
Fitzpatrick, Chair
Cohenour
Vance

For the House:
Welch, Vice Chair
Z. Brown
Kassmier

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 433**
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 433** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 433** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5.

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Following: "ANALYST"

Insert: "DIRECT"

2. Title, page 1, line 6 through line 7.

Strike: "CERTAIN HEALTH" on line 6 through "INFORMATION" on line 7

Insert: "THE SECURE DATA WAREHOUSE OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AS PHASES OF THE SECURE DATA WAREHOUSE PROJECT ARE IMPLEMENTED"

3. Page 1, line 30 through page 2, line 28.

Strike: subsection (4) in its entirety

Insert: "(4) (a) The department of public health and human services shall provide the legislative fiscal analyst direct access to the department's secure data warehouse as the phases of the secure data warehouse project are implemented.

(b) The department of public health and human services shall consult with the legislative fiscal analyst and shall establish user requirements to ensure the legislative fiscal analyst does not have access to direct identifiers stored on the secure data warehouse. The department of public health and human services shall consult with the legislative fiscal analyst and shall establish requirements to ensure the legislative fiscal analyst does not have access to direct identifiers stored in other data systems where the data is not available through the secure data warehouse after the phases of the secure data warehouse project are implemented.

(c) The data must be made available to the legislative fiscal analyst in a format that complies with the regulations of the respective federal programs.

(d) The department of public health and human services shall submit quarterly reports in an electronic format to the legislative finance committee and the children, families, health, and human services interim committee on the following:

(i) the implementation of the phases of the secure data warehouse project;

(ii) the user requirements established by the department and the legislative fiscal analyst;

and

(iii) the status of the legislative fiscal analyst's access to the secure data warehouse."

For the Senate:
Osmundson, Chair
McConnell
C. Smith

For the House:
F. Moore, Vice Chair
Ballance
Ryan

Without objection, select committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

4/23/2019

SB 349, introduced by J. Cohenour

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Senate joint resolutions concurred in and returned to the Senate: 4/23/2019

SJ 18, introduced by D. Sands

SJ 19, introduced by D. Sands

SB 346 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 346**:

4/23/2019

Representative Welch, Vice Chair

Representative Z. Brown

Representative Kassmier

Conference Committee Report No.1 adopted: 4/23/2019

SB 299, introduced by M. Lang

HB 260, introduced by J. Kassmier

Free Conference Committee Report No.1 adopted: 4/23/2019

HB 172, introduced by D. Bedey

HB 684, introduced by M. Regier

Senate amendments to House bills concurred in: 4/23/2019

HB 21, introduced by R. Peppers

HB 293, introduced by W. Galt

HB 355, introduced by K. White

HB 389, introduced by J. Krautter

HB 403, introduced by B. Usher

HB 411, introduced by W. Curdy

HB 439, introduced by D. Loge

HB 467, introduced by D. Hayman

HB 532, introduced by B. Mercer

HB 626, introduced by E. Kerr-Carpenter

HB 696, introduced by J. Karjala

HB 723, introduced by D. Fern

HB 732, introduced by D. Harvey

HB 660 - The House failed to concur in Senate amendments to **HB 660**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 660**:

4/23/2019

Representative Krautter, Vice Chair

Representative Lenz

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Representative Pierson

House joint resolutions passed and transmitted to the Senate for concurrence: 4/23/2019

HJ 46, introduced by D. Fern

HJ 54, introduced by D. Fern

HJ 62, introduced by L. Sheldon-Galloway

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 46, introduced by D. Fern, F. Anderson, B. Hamlett, J. Krautter, M. Marler, J. Read, referred to Finance and Claims.

HJ 54, introduced by D. Fern, referred to Business, Labor, and Economic Affairs.

HJ 62, introduced by L. Sheldon-Galloway, referred to Judiciary.

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 660**. Without objection, so ordered. President Sales appointed: Senator Howard, Chair, Senator Keenan and Senator Sands.

Majority Leader Thomas moved the Senate **Free** Conference Committee on **SB 247** be dissolved and that the President appoint the same members to a Conference Committee on **SB 247**. Without objection, so ordered. President Sales appointed Senator Fielder, Chair, Senator Hinebauch and Senator Cohenour.

Senator Richmond moved the Senate Conference Committee on **HB 22** be dissolved and that the President appoint the same members to a Free Conference Committee on **HB 22**. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Esp, Fielder, Gillespie, Hoven, Keenan, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Welborn, Mr President.

Total 21

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gross, Hinebauch, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webb, Webber.

Total 28

Paired: None.

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Excused: Fitzpatrick.

Total 1

Absent or not voting: None.

Total 0

Senator Jacobson moved that **HB 412** be taken from the Highways and Transportation Committee and that **HB 412** be placed on second reading this date. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 28

Paired: None.

Excused: Fitzpatrick.

Total 1

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator R. Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 10 - House Amendments - Senator Bogner moved House amendments to **SJ 10** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 46

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Nays: Barrett, Malek, McClafferty.

Total 3

Paired: None.

Excused: Fitzpatrick.

Total 1

Absent or not voting: None.

Total 0

SB 252 - House Amendments - Senator Ankney moved House amendments to **SB 252** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 29

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fielder, Flowers, Gross, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Vuckovich, Webber.

Total 20

Paired: None.

Excused: Fitzpatrick.

Total 1

Absent or not voting: None.

Total 0

SB 32 - Conference Committee Report No. 1 - Senator Sesso moved the Conference Committee report to **SB 32** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: Hoven.

Total 1

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Paired: None.

Excused: Fitzpatrick.

Total 1

Absent or not voting: None.

Total 0

HB 385 - Senator Sesso moved **HB 385** be concurred in.

HB 385 - Senator D. Brown moved **HB 385**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Strike: "OR TWENTY-ONE"

Insert: ", CRAPS, AND ROULETTE"

2. Title, page 1, line 7.

Following: "BLACKJACK"

Insert: ", CRAPS, AND ROULETTE"

3. Title, page 1, line 8.

Following: "BLACKJACK"

Insert: ", CRAPS, AND ROULETTE"

4. Page 1, line 17.

Following: "Blackjack"

Insert: ", craps, and roulette"

5. Page 1, line 21.

Following: "blackjack"

Insert: ", craps, and roulette"

6. Page 1, line 22.

Following: "blackjack"

Insert: ", craps, and roulette"

7. Page 1, line 25.

Following: "blackjack"

Insert: ", craps, and roulette"

8. Page 2, line 1.

Following: "Blackjack"

Insert: ", craps, and roulette"

9. Page 2, line 2.

Following: "known as the blackjack"

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Insert: ", craps, and roulette"

10. Page 2, line 20.

Following: "Live blackjack"

Insert: ", craps, and roulette"

11. Page 2, line 22.

Following: "each live blackjack"

Insert: "craps, and roulette"

12. Page 3, line 1.

Following: "blackjack"

Insert: ", craps, and roulette"

13. Page 5, line 14.

Following: line 13

Insert: "(11) "Craps" means a gambling game in which the players make wagers on the outcome of the roll, or a series of rolls, of a pair of dice. Players may wager money against each other."

Renumber: subsequent subsections

14. Page 6, line 28 through 29.

Strike: "roulette wheel, roulette table, craps" on line 28 through "table," on line 29

15. Page 7, line 6.

Strike: "craps,"

16. Page 9, line 16.

Following: line 15

Insert: "(39) "Roulette" means a gambling game in which the players may choose to place bets on either a single number, various groupings of numbers, the colors red or black, whether the number is odd or even, or if the numbers are high or low."

Renumber: subsequent subsections

17. Page 10, line 8.

Following: "BLACKJACK"

Insert: ", craps, and roulette"

18. Page 10, line 12.

Following: "blackjack"

Insert: ", craps, and roulette"

19. Page 11, line 1.

Following: "blackjack"

Insert: ", craps, and roulette"

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20. Page 11, line 7.

Following: "BLACKJACK"

Insert: ", craps, and roulette"

21. Page 11, line 20.

Following: "blackjack"

Insert: ", game of craps, or spin of roulette"

22. Page 13, line 11.

Following: "blackjack,"

Insert: " craps, roulette,"

Amendment **adopted** as follows:

Yeas: Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Olszewski, Pomnichowski, Regier, Richmond, Sands, Smith C, Tempel, Thomas, Webb, Webber.

Total 30

Nays: Ankney, Barrett, Bennett, Blasdel, Bogner, Flowers, Gauthier, Gross, McClafferty, Osmundson, Phillips, Salomon, Sesso, Small, Smith F, Vance, Vuckovich, Welborn, Mr President.

Total 19

Paired: None.

Excused: Fitzpatrick.

Total 1

Absent or not voting: None.

Total 0

HB 385 - As amended, **HB 385 failed** as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Fielder, Gauthier, Gross, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sesso, Small, Smith F, Vuckovich, Welborn.

Total 17

Nays: Barrett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, Olszewski, Osmundson, Regier, Richmond, Sands, Smith C, Tempel, Thomas, Vance, Webb, Webber, Mr President.

Total 33

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Paired: Small, Aye; Fitzpatrick, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 385 - Majority Leader Thomas moved **HB 385** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Mr President.

Total 40

Nays: Bennett, Bogner, Gauthier, Gross, Phillips, Sesso, Smith F, Vuckovich, Welborn.

Total 9

Paired: None.

Excused: Fitzpatrick.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.

Total 43

Nays: Ankney, Bennett, Gross, McClafferty, Smith F, Vuckovich.

Total 6

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Paired: None.

Excused: Fitzpatrick.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Thomas moved the Senate dissolve the **Free** Conference Committee on **HB 660** and appoint a Conference Committee **HB 660**. Without objection, so ordered. President Sales appointed Senator Howard, Chair, Senator Keenan and Senator Sands.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 299, Conference Committee Report No. 1, adopted as follows:

Yeas: Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.

Total 46

Nays: Ankney, Barrett, Welborn.

Total 3

Paired: None.

Excused: Fitzpatrick.

Total 1

Absent or not voting: None.

Total 0

SJ 3, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips,

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Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance,
Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Gross, McConnell, Pomnichowski.
Total 3

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

HJ 39 concurred in as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven,
Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Small, Smith C,
Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 26

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson,
MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond,
Sands, Sesso, Smith F, Tempel, Webber.
Total 23

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

HJ 40 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,
Ellsworth, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson,
Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson,
Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas,
Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Esp, Keenan, Phillips, Tempel.

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Total 4

Paired: None.

Excused: Fitzpatrick.

Total 1

Absent or not voting: None.

Total 0

HB 172, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich.

Total 34

Nays: Blasdel, Brown, Cuffe, Esp, Kary, Keenan, Pomnichowski, Regier, Sands, Smith C, Vance, Webb, Webber, Welborn, Mr President.

Total 15

Paired: None.

Excused: Fitzpatrick.

Total 1

Absent or not voting: None.

Total 0

HB 684, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Webber.

Total 35

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Keenan, Lang, Olszewski, Smith C, Tempel, Welborn, Mr President.

Total 14

Paired: None.

Excused: Fitzpatrick.

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Total 1

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Fielder and Senator Brown made their farewell remarks.

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to House bill not concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/24/2019

HB 132, introduced by K. Holmlund

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 4:30 p.m. Motion carried. Senate recessed at 2:07 p.m.

Senate reconvened at 4:32 p.m., President Sales presiding.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):

4/24/2019

SR 59, be adopted.

HJ 32, be concurred in.

HJ 48, be concurred in.

HJ 50, be concurred in.

Without objection, committee reports were adopted.

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REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 247**
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 247** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 247** (reference copy -- salmon) be amended as follows:

1. Page 1.

Following: line 20

Insert: "(b) The department may not approve a change in appropriation right until all objections are resolved."

Renumber: subsequent subsections

2. Page 2, line 13.

Strike: "(3)(h)"

Insert: "(3)(i)"

3. Page 2, line 18.

Strike: "(3)(h)"

Insert: "(3)(i)"

4. Page 3, line 17.

Strike: "2019"

Insert: "2029"

5. Page 3, line 23.

Strike: "2019"

Insert: "2029"

For the Senate:

Fielder, Chair

Cohenour

Hinebauch

For the House:

White, Vice Chair

B. Brown

Curdy

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EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 24, 2019

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 660**
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 660** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 660** (reference copy -- salmon) be accepted by the House.

For the Senate:
Howard, Chair
Keenan
Sands

For the House:
Krautter, Vice Chair
Lenz
Pierson

FREE CONFERENCE COMMITTEE
on **House Bill 715**
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 715** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 715** (reference copy -- salmon) be amended as follows:

1. Title, page 1

Following: line 10

Insert: "PROVIDING FUND TRANSFERS;"

2. Page 8, line 2 through line 4.

Strike: subsection (3) in its entirety

Insert: "(3) The legislative fiscal division shall provide administrative staff support and fiscal analysis. The legislative services division may provide research and legal support at the request of the committee."

3. Page 9, line 18 through line 19.

Strike: "for the" on line 18 through "[SECTION 5]" on line 19

Insert: "for interim activities"

4. Page 9.

Following: line 21

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Insert: "(3) If the legislative council approves and requests the appointment of additional members to the interim committees pursuant to 5-5-211, for the biennium beginning July 1, 2019, there is appropriated \$65,000 from the general fund to the legislative services division."

Insert: "NEW SECTION. Section 8. Fund transfers. (1) By August 15, 2019, the state treasurer shall transfer the following amounts to the general fund:

- (a) \$250,000 from the state special revenue account established in 17-6-603; and
- (b) \$500,000 from the state special revenue account established in 50-46-345.

(2) By August 15, 2020, the state treasurer shall transfer the following amounts to the general fund:

- (a) \$250,000 from the state special revenue account established in 17-6-603; and
- (b) \$500,000 from the state special revenue account established in 50-46-345."

Insert: "NEW SECTION. Section 9. Appropriations to executive agencies -- allocations.

(1) The appropriations provided for in this section must be allocated to agencies by the budget director. The budget director shall make the preliminary allocations of the appropriations in the statewide accounting, budgeting, and human resource system by August 15, 2019. Except as provided in subsection (2), the allocated appropriations are considered part of the House Bill No. 2 base budget for the purposes of Title 17, chapter 7.

(2) Prior to establishing the appropriations in the statewide accounting, budgeting, and human resource system, the legislative fiscal analyst and the budget director shall agree in writing which allocated appropriations are not considered part of the base budget for the 67th legislature. The individual appropriations established in the statewide accounting, budgeting, and human resource system must be identifiable to the source of the appropriation by subclass.

(3) In the fiscal year beginning July 1, 2019, the following sums are appropriated to the governor's office for allocation by the budget director:

- (a) \$660,000 in general fund;
- (b) \$6,880,000 in state special revenue funds;
- (c) \$40,000 in federal special revenue funds; and
- (d) \$820,000 in proprietary funds.

(4) In the fiscal year beginning July 1, 2020, the following sums are appropriated to the governor's office for allocation by the budget director:

- (a) \$730,000 in general fund;
- (b) \$5,900,000 in state special revenue funds;
- (c) \$40,000 in federal special revenue funds; and
- (d) \$720,000 in proprietary funds.

(5) (a) In fiscal year beginning July 1, 2019, the budget director may allocate a total of 13.50 new permanent FTEs to executive agencies.

(b) In fiscal year beginning July 1, 2020, the budget director may allocate a total of 15.50 new permanent FTEs to executive agencies."

Insert: "NEW SECTION. Section 10. Appropriations to department of justice -- allocations. (1) The appropriations provided for in this section are allocated to the department

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of justice. The department shall make the preliminary allocations of the appropriations among programs by August 15, 2019. Except as provided in subsection (2), the allocated appropriations are considered part of the House Bill No. 2 base budget for the purposes of Title 17, chapter 7.

(2) Prior to establishing the appropriations in the statewide accounting, budgeting, and human resource system, the legislative fiscal analyst and the budget director shall agree in writing which allocated appropriations are not considered part of the base budget for the 67th legislature. The individual appropriations established in the statewide accounting, budgeting, and human resource system must be identifiable to the source of the appropriation by subclass.

(3) In the fiscal year beginning July 1, 2019, the following sums are appropriated to the department of justice:

- (a) \$230,000 in general fund; and
- (b) \$1,460,000 in state special revenue funds.

(4) In the fiscal year beginning July 1, 2020, the following sums are appropriated to the department of justice:

- (a) \$220,000 in general fund; and
- (b) \$1,460,000 in state special revenue funds.

(5) (a) In each fiscal year beginning July 1, 2019, the department of justice may allocate a total of 6.25 new permanent FTEs to the department of justice.

(b) In each fiscal year beginning July 1, 2020, the department of justice may allocate a total of 12.25 new permanent FTEs to the department of justice."

Insert: "NEW SECTION. Section 11. Appropriations to office of public instruction --

allocations. (1) The appropriations provided for in this section are allocated to the office of public instruction. The office of public instruction shall make the preliminary allocations of the appropriations among programs by August 15, 2019. Except as provided in subsection (2), the allocated appropriations are considered part of the House Bill No. 2 budget for the purposes of Title 17, chapter 7.

(2) In the fiscal year beginning July 1, 2019, \$30,000 is appropriated one time from the general fund to the office of public instruction."

"NEW SECTION. Section 12. Appropriations to state auditor's office --

allocations. (1) The appropriations provided for in this section are allocated to the state auditor's office. The state auditor's office shall make the preliminary allocations of the appropriations among programs by August 15, 2019. Except as provided in subsection (2), the allocated appropriations are considered part of the House Bill No. 2 base budget for the purposes of Title 17, chapter 7.

(2) Prior to establishing the appropriations in the statewide accounting, budgeting, and human resource system, the legislative fiscal analyst and the budget director shall agree in writing which allocated appropriations are not considered part of the base budget for the 67th legislature. The individual appropriations established in the statewide accounting, budgeting, and human resource system must be identifiable to the source of the appropriation by subclass.

(3) In the fiscal year beginning July 1, 2019, the following sums are appropriated to the

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state auditor's office:

- (a) \$10,100,000 in state special revenue funds; and
- (b) \$34,100,000 in federal special revenue funds.

(4) In the fiscal year beginning July 1, 2020, the following sums are appropriated to the state auditor's office:

- (a) \$10,000,000 in state special revenue funds; and
- (b) \$34,100,000 in federal special revenue funds.

(5) In each fiscal year beginning July 1, 2019, and July 1, 2020, the state auditor's office may allocate a total of 0.50 new permanent FTEs to the state auditor's office."

Insert: "NEW SECTION. Section 13. Appropriations to public service commission -- allocations -- coordination. (1) The appropriations provided for in this section are allocated to the public service commission. The public service commission shall make the preliminary allocations of the appropriations among programs by August 15, 2019. Except as provided in subsection (2), the allocated appropriations are considered part of the House Bill No. 2 base budget for the purposes of Title 17, chapter 7.

(2) Prior to establishing the appropriations in the statewide accounting, budgeting, and human resource system, the legislative fiscal analyst and the budget director shall agree in writing which allocated appropriations are not considered part of the base budget for the 67th legislature. The individual appropriations established in the statewide accounting, budgeting, and human resource system must be identifiable to the source of the appropriation by subclass.

(3) If House Bill No. 597 is passed and approved, in the fiscal year beginning July 1, 2019, \$290,000 in state special revenue funds are appropriated to the public service commission.

(4) If House Bill No. 597 is passed and approved, in the fiscal year beginning July 1, 2020, \$270,000 in state special revenue funds are appropriated to the public service commission."

"COORDINATION SECTION. Section 14. Coordination instruction. If both [this act] and House Bill No. 636 are passed and approved, then for the biennium beginning July 1, 2019, there is appropriated to department of revenue funds up to \$2,000,000 from the general fund to make payments to a local governing body pursuant to 15-1-402(6)(d) for the purpose of complying with House Bill No. 636, and the department of revenue may request a supplemental appropriation if the appropriation is not sufficient to make all payments in the biennium."

Insert: "COORDINATION SECTION. Section 15. Coordination instruction. If [this act] and House Bill No. 749 are passed and approved, then [section 2(1) of House Bill No. 749] must read:

"NEW SECTION. Section 2. Appropriations. (1) There is appropriated \$519,815 from a state special revenue account to the credit of the department of justice for the biennium beginning July 1, 2019, for the purpose of establishing a two-person human trafficking enforcement team consisting of two agents from the division of criminal investigation.""

Insert: "COORDINATION SECTION. Section 16. Coordination instruction. If both [this act]

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and Senate Bill No. 330 are passed and approved, the legislature intends that the department of justice be authorized to enter into contracts, loan agreements, or other forms of indebtedness pursuant to 17-5-2001, not to exceed \$1,311,573 and payable over a term not to exceed 10 years, for financing the cost of implementing the provisions of Senate Bill No. 330. Loans are payable from the state special revenue fund provided for in [section 15 of Senate Bill No. 330]."

Renumber: subsequent sections

For the Senate:
Osmundson, Chair
Sesso
C. Smith

For the House:
Glimm, Vice Chair
Jones
Lynch

Without objection, select committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Conference Committee Report No.1 adopted: 4/24/2019

SJ 3, introduced by F. Thomas

SB 247 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 247**:

4/24/2019

Representative White, Vice Chair
Representative B. Brown
Representative Curdy

Senate amendments to House bill concurred in: 4/24/2019

HB 661, introduced by G. Custer

House joint resolutions passed and transmitted to the Senate for concurrence: 4/24/2019

HJ 60, introduced by K. Kelker

HJ 64, introduced by K. Kelker

These resolutions are being transmitted after the deadline for interim study resolutions and require a 2/3 vote for the resolutions to be considered by the receiving house.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJ 49 - Senator Fielder moved **HJ 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SR 27 - Senator Fielder moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 27**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SR 28 - Senator Fielder moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 28**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Brown, Kary, Smith C.

Total 3

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SR 57 - Senator K. Regier moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 57**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SR 61 - Senator K. Regier moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 61**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.

Total 49

Nays: Welborn.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 201 - Free Conference Committee Report No. 1 - Senator Ankney moved the Free Conference Committee report to **SB 201** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.

Total 46

Nays: Barrett, Olszewski, Pomnichowski, Webb.

Total 4

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 346 - Conference Committee Report No. 1 - Senator Fitzpatrick moved the Conference Committee report to **SB 346** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Brown, Olszewski, Regier.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 433 - Conference Committee Report No. 1 - Senator Olszewski moved the Conference Committee report to **HB 433** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Bennett, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Pomnichowski.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 132 - Governor's Amendments - Senator Lang moved do **not** concur in Governor's amendments to **HB 132**. Motion carried as follows:

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Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Bennett, Cohenour, Gross, Sesso, Smith F, Vuckovich.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Minority Leader Sesso moved that **SR 48** be placed on second reading this date. Motion **failed**

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as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 22

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 28

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Majority Leader Thomas moved the Senate adjourn until 9:00 a.m. Thursday, April 25, 2019, the eighty-seventh legislative day. Motion carried.

Senate adjourned at 5:04 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate